

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

ORDER
04-CR-189A

RONNIE FUNDERBUNK,
Defendant.

Currently before the Court is a motion filed by defendant Ronnie Funderbunk for an enlargement of time to April 10, 2006 to file objections to the Report and Recommendation of Magistrate Judge Leslie G. Foschio filed February 24, 2006 and to submit his memorandum of law in support of his appeal of Magistrate Judge Leslie G. Foschio's February 24, 2006 Decision and Order. Counsel for the defendant has advised that the government has no objection to the extension of time.

The Court hereby grants defendant's motion for an extension until April 10, 2006 to file objections to the Report and Recommendation and to submit his memorandum of law in support of his appeal of Magistrate Judge Foschio's February 24, 2006 Decision and Order.

The delay until April 10, 2006 is excluded from the Speedy Trial Act computations pursuant to 18 U.S.C. § 3161(h)(1)(F). Further, the Court finds that the delay should be excluded pursuant to 18 U.S.C. § 3161(h)(1)(8)(A), because the ends of justice served by such a continuance outweigh the best interest of the public and the defendant in a speedy trial. Such an adjournment will provide the defendant with an

adequate opportunity to prepare objections to the Report and Recommendation and to appeal the Decision and Order, and at the same time, is not so long as to unduly delay the public's interest in a speedy trial.

IT IS SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: March 10, 2006